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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Moore et al.

RECEIVED

Application No: 09/225,502

Art Unit: 1644

SEP 25 2001

Filed: January 06, 1999

Examiner: DeCloud, A. TECH CENTER 1600/2900

For: Human FK506 Binding Proteins

Attorney Docket No.: PF392

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

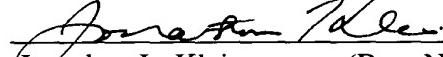
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 22, 2001 of the Primary Examiner finally rejecting claims 21-56 and 58-103 of the above-identified application.

An extension of time for responding to the final rejection for three (3) months is submitted herewith.

The fee required to be filed with this Notice of Appeal under 37 C.F.R. § 1.17(b) has been estimated to be \$310.00. Please charge the required fee or any other fees deemed necessary to Deposit Account No. 08-3425. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: Sept. 20, 2001



Jonathan L. Klein (Reg. No. 41,119)
Attorney for Applicants

09/21/2001 CNGUYEN 00000083 083425 09225502
01 FC:119 310.00 CH

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
(301) 251-6015 (phone)

JKE/cmp

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

O I P FEE TRANSMITTAL for FY 2001 <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	09/225,502
		Filing Date	January 6, 1999
		First Named Inventor	MOORE et al.
		Examiner Name	DeCloux, A.
		Group Art Unit	1644
Total Amount of payment	\$ 1,090.00	Attorney Docket Number	PF392
<i>RECEIVED</i> <i>SEP 25 2001</i> <i>TECH CENTER 1600/2900</i>			

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																		
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 08-3425 Deposit Account Name Human Genome Sciences, Inc.				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th></th> <th>Large Entity Fee Code</th> <th>Small Entity Fee Code</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td>Fee (\$)</td> <td>Fee (\$)</td> <td></td> <td></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th></th> <th colspan="3">Fee Description</th> <th></th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late non-provisional filing fee or cover sheet</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> </tr> <tr> <td>116</td> <td>390</td> <td>216</td> <td>195</td> <td>Extension for reply within second month</td> </tr> <tr> <td>117</td> <td>890</td> <td>217</td> <td>445</td> <td>Extension for reply within third month</td> </tr> <tr> <td>118</td> <td>1,390</td> <td>218</td> <td>695</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>128</td> <td>1,890</td> <td>228</td> <td>945</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>119</td> <td>310</td> <td>219</td> <td>155</td> <td>Notice of Appeal</td> </tr> <tr> <td>120</td> <td>310</td> <td>220</td> <td>155</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>121</td> <td>270</td> <td>221</td> <td>135</td> <td>Request for oral hearing</td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive -unavoidable</td> </tr> <tr> <td>141</td> <td>1,240</td> <td>241</td> <td>620</td> <td>Petition to revive -unintentional</td> </tr> <tr> <td>142</td> <td>1,240</td> <td>242</td> <td>620</td> <td>Utility issue fee (or reissue)</td> </tr> <tr> <td>143</td> <td>440</td> <td>243</td> <td>220</td> <td>Design issue fee</td> </tr> <tr> <td>144</td> <td>600</td> <td>244</td> <td>300</td> <td>Plant issue fee</td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> </tr> <tr> <td>581</td> <td>40</td> <td>481</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td>146</td> <td>710</td> <td>246</td> <td>355</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> </tr> <tr> <td>149</td> <td>710</td> <td>249</td> <td>355</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> </tr> <tr> <td>179</td> <td>710</td> <td>279</td> <td>355</td> <td>Request for Continued Examination (RCE)</td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> </tr> <tr> <td colspan="4"></td> <td>Other fee (specify): Fee for 2nd and 3rd months' extensions (first month previously paid)</td> <td>\$780.00</td> </tr> <tr> <td colspan="4"></td> <td>Other fee (specify):</td> <td></td> </tr> <tr> <td colspan="4"></td> <td>Other fee (specify):</td> <td></td> </tr> <tr> <td colspan="4"></td> <td>Subtotal (3)</td> <td>\$1,090.00</td> </tr> <tr> <td colspan="4"></td> <td>* Reduced by Basic Filing Fee Paid</td> <td></td> </tr> <tr> <td colspan="4"></td> <td>** or number previously paid, if greater; 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Submitted By		Complete (if applicable)	
Name (Print/Type)	Jonathan L. Klein	Registration No.:	41,119
Telephone	301-251-6015		
Signature:			
Date:	9/20/01		

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.